

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

KEIR HODGE,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

HONORABLE JEROME B. SIMANDLE

Civil Action No. 08-3614 (JBS)

ORDER

This matter having come before the Court upon Petitioner's submission of a petition for a writ of audita querela [Docket Item 1]; the Court having considered the submissions of the parties; for the reasons explained in the Opinion of today's date, this petition for a writ of audita querela lacks merit and alternatively this petition construed as arising under 28 U.S.C. § 2255 is untimely;

IT IS this 25th day of **February, 2010** hereby

ORDERED that Petitioner's petition shall be **DENIED**; and it is further

ORDERED that, to the extent this petition arises under 28 U.S.C. § 2255, a certificate of appealability is **DENIED**.

s/ Jerome B. Simandle

JEROME B. SIMANDLE

United States District Judge